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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/869,799

01/24/2002

Young Hoon Roh

LEE-02

1274

23593

7590

03/18/2009

ZITO TLP

P.O. BOX 240

DAMASCUS, MD 20872

EXAMINER

TSUI, WILSON W

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

03/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/869,799	Applicant(s) ROH, YOUNG HOON	
	Examiner WILSON TSUI	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on: 12/22/08.
2. Claims 1, 4, 5, 6, 9, and 10 are amended. Claims 3 and 8 are cancelled. Claims 1, 6, and 11 are independent claims. Claims 1-2, 4-7, and 9-12 are pending.
3. The objection to the specification is withdrawn, in view of amendment filed on 12/22/08.
4. The objection to the drawings is maintained, since the drawings are still missing from the application.
5. The 35 USC 101 rejections with respect to claims 3, 4, 5, 8, 9, and 10 are withdrawn, as necessitated by applicant's amendment.
6. Claims 1, 4, and 5 remain rejected under 35 U.S.C. 102(a) as being anticipated by Nilsson.
7. Claims 2, 9, 11, and 12 remain rejected, and claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson in further view of Rio.
8. Claim 10 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson, in further view of Rio, and further in view of Matz et al.

Drawings

9. The drawings are objected to under 37 CFR 1.83(b) because they are missing.

37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority

10. Acknowledgment is made of applicant's claim for foreign priority (Korean 199-235, and PCT/KR99/00838) under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/869799, filed on 07/05/2001.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1, 4, and 5 remain rejected under 35 U.S.C. 102a) as being anticipated by Nilsson ("id3v2-00 Informal Standard", published: March 1998, pages 1-46).

With regards to claim 1, Nilsson teaches *a caption MP3 player for reproducing a caption MP3 information including audio information and corresponding caption information* (page 1, whereas field data is stored after the audio portion of the file, the field data including header data (page 4), and auxiliary data (page 25, 26: whereas caption/text data is auxiliary data)) comprising:

A storage means for storing the inputted audio information and corresponding caption information (page 1: whereas, audio information is stored in a file);

A signal separation means for separating the audio information and caption information provided from the storage means (page 1: whereas audio is stored first, and then caption information is placed at end of file);

A control means for controlling storage of the audio information and the caption information into the storage means and output of the information and the caption information from the storage means and controlling synchronization of the audio information and the caption information separated by the signal separation means (pages 1, 7-8, 15, 25, 26: whereas, storage of audio and caption information are managed and synchronization of audio and caption is implemented).

A caption output means for receiving an output of the signal separation means, and outputting the caption information synchronized with the audio information which corresponds to the caption signal and is outputted from the audio output means (page 25, 26: whereas caption is synchronized with reproduced audio output).

Wherein the audio information has a standard MP3 file format comprising a header, audio data, and auxiliary data (page 1, whereas field data is stored after the audio portion of the file, the field data including header data (page 4), and auxiliary data (page 25, 26: whereas caption/text data is auxiliary data)), and is divided with a plurality of audio data frame units (page 7 and 8: whereas a plurality of types of audio data frames are supported), and the caption information includes position data and/or time data indicating to which audio data frame of the audio information the caption information corresponds, and wherein the control means synchronizes the audio data frame with the caption information using the position data and/or time data of the caption data (page 25, 26: whereas, caption/text information is sync-ed to a particular time/position of audio frame; such that audio data is synchronized with caption information, (for example by implementing a time stamp after each syllable).

With regards to claim 4, which depends on claim 1, Nilsson teaches wherein the caption information comprises an initiation section indicating initiation of the caption information and an information section, the position data is a reproduction number data indicating to which frame of the reproduced audio information the caption information corresponds, and the reproduction number data is included in the information section (page 25, 26: whereas, the caption information includes an initiation section indicated by

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the Synced lyrics/text 'SLT', and frame size information section with time frame number data for which the caption sync-ing corresponds.)

With regards to claim 5, which depends on claim 1, Nilsson teaches *wherein the information section comprises: a reproduction address data for indicating a reproduction address that combines the caption information with each other if a plurality of pieces of caption information form one word or picture* (P31: whereas, caption information forms a picture and captions/text); *an information identification code for indicating a kind of files form of a stored information* (P31: whereas, the Image format code indicates the kind of file(s)); *a selection code for indicating at least one of a language form used in the stored information* (P31: whereas, language/format form used to describe a picture file is indicated, such as JPG), *operation time and display mode* (as similarly explained in the rejection for claim 4, operation/position time data is implemented through a sync-display-mode); *and caption data including caption characters* (page 25, 26, and page 31: whereas caption/description includes characters).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 2, 9, 11, and 12 remain rejected, and claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson ("id3v2-00 Informal Standard, published: March 1998, pages 1-46), in further view of Rio ("Rio PMP 300 User's Guide", published: 1998, pages 1-23).

With regards to claim 2, which depends on claim 1, Nilsson teaches a MP3 player, but does not expressly teach the *caption output means is a liquid crystal display*. Yet, Rio teaches the *caption output means is a liquid crystal display* (page 12: whereas a liquid crystal display is shown, displaying metadata/caption output for mp3 play status).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Nilsson's MP3 player, such that the MP3 player would have had caption output ability through a liquid crystal display, as similarly taught by Rio. The combination of Nilsson and Rio would have allowed Nilsson to have "indicated its current mode and status, along with additional information" (Rio, page 12).

With regards to claim 6, Nilsson teaches an MP3 reproduction method for controlling output of audio information and/or *caption information from a recording medium, the method comprising the steps of:*

Determining whether only audio information exists among the information stored in the recording medium; outputting the audio information from the recording medium if it is determined that only the audio information exists (page 3: whereas it is determined

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whether just audio exists in a recording medium, and only output audio of no caption exists);

Reproducing the audio information in synchronism with the caption information if it is determined that both the audio information and the caption information exist (page 3: whereas, audio is synchronized with audio), and repeatedly reproducing next audio and caption information (pages 25, 26, 27: whereas the audio and caption information continue for each time stamp specified).

Wherein the MP3 data comprises a plurality of caption MP3 files (pages 1, 25, 26, and 41: whereas there are a plurality of audio files, and the caption information stored/appended to the end of each of the MP3 files), and each caption MP3 file comprises audio information and corresponding caption information (page 1, 25, 26, and 41: whereas, each MP3 file can contain audio data, as well as text/caption data), wherein the audio information having a standard MP3 file format including a header, audio data and auxiliary data (page 1, whereas field data is stored after the audio portion of the file, the field data including header data (page 4), and auxiliary data (page 25, 26: whereas caption/text data is auxiliary data); and the audio information is located before the caption information in each caption MP3 file (page 41: whereas, the audio information is stored before tagged caption data).

However, although Nilsson teaches the caption information, and sync-ing caption text to a position in audio data when the caption information is reproduced; Nilsson does not expressly teach *wherein the caption information having caption display time*

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data for indicating a caption display time on a display when the caption information is reproduced.

Yet, Rio teaches the caption information *having caption display time data for indicating a caption display time on a display* (page 12: whereas, display time data is indicated in a display).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Nilsson's caption time data (with ability to synchronize caption data), such that a time is displayed when the caption is reproduced when playing audio, as taught by Rio. The combination would have allowed Nilsson to have "indicated its current mode and status, along with additional information" (Rio, page 12).

With regards to claim 7, which depends on claim 6, Nilsson teaches *wherein the reproducing step comprises the steps of firstly determining whether the caption information and the audio information exist together in the recording medium* (page 26, 27: whereas, the steps are reproduced for each specified time); *outputting the caption information if the first determining step determines that the caption information exists but the audio information does not exist* (page 25: whereas, unsynchronized text is determined to exist, and outputted even if there is no audio sync data); *decoding the audio information if the caption information and the audio information exist together at the first determining step* (page 25, 26: whereas, audio and caption information exist together, and audio decoded/played); *secondly determining whether the caption information corresponding to the audio information exists; outputting for the next caption*

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information or blank caption information if the second determining step determines that the corresponding caption information does not exist; interpreting information according to a form of a file comprising the caption information if the second determining step determines that the corresponding caption information does not exist (Page 25, 26, 27: whereas, if caption information doesn't exist for a specified time, the file comprising caption data is processed again/interpreted-further), and restarting the first determining step to output the corresponding caption information by synchronizing the caption information with the decoded audio information and to output the next caption information (page 25, 26, 27: process is restarted for duration of sync-ing).

With regards to claim 9, which depends on claim 6, Nilsson teaches *a caption start synchronization signal for indicating a start position at which the caption information is located* (as similarly explained by the initiation section in the rejection for claim 4, and is rejected under similar rationale); *a plurality of pieces of caption information having character information to be displayed on display; a text type for determining an output type of the character information; and a caption identification code* (pages 25, 26, and 27: whereas caption data/text, and text type/encoding are included as caption identification data/code).

Additionally, as explained in the rejection for claim 8 above, Nilsson and Rio similarly teach *wherein the caption display time data is included in each of the plurality of caption data and is compared with a play time counted when the caption MP3 file is reproduced* (whereas, the display time is based off/compared/sync-ed to the counted

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time when the MP3 file is reproduced)), as similarly explained in the rejection for claim 8, and is rejected under similar rationale.

With regards to claim 11, Nilsson teaches *caption MP3 data comprising audio information having a standard MP3 file format comprising a header, audio data and auxiliary data, and corresponding caption information* (as similarly explained in the rejection for claim 3, and is rejected under similar rationale.) the method comprising the steps of *identifying step for identifying whether the caption information exists in the caption MP3 data to be reproduced* (as similarly explained in the rejection for claim 7, and is rejected under similar rationale); *reproducing the audio information if it is determined that the caption information does not exist at the caption information identifying step* (as similarly explained in the rejection for claim 6, and is rejected under similar rationale), *initializing the caption information if it is determined that the caption information exists at the caption information identifying step* (as similarly explained in the rejection for claim 7, and is rejected under similar rationale);

Additionally, Nilsson and Rio teach *bringing a play time while reproducing the caption MP3 files; comparing the play time with a display time of the caption information* (as similarly explained in the rejection for claim 9, and is rejected under similar rationale); Furthermore, Rio teaches *bringing the display time of next caption information; and displaying the caption information* (page 12: whereas, a repeat/loop mode is implemented).

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With regards to claim 12, which depends on claim 11, Nilsson and Rio teach displaying caption information, as similarly explained in the rejection for claim 8 above. Furthermore, Rio's playing/decoding of audio and caption data, includes *determining termination of reproduction after the audio information reproducing step; and returning to the termination of reproduction determining step after the caption information displaying step* (page 12: whereas a pause function is implemented)

13. Claim 10 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson ("id3v2-00 Informal Standard, published: March 1998, pages 1-46), in further view of Rio ("Rio PMP 300 User's Guide", published: 1998, pages 1-23), and further in view of Matz et al (US Patent: 6,198,511 B1, issued: Mar. 6, 2001, filed: Sep. 10, 1998).

With regards to claim 10, which depends on claim 9, Nilsson teaches *wherein each of the caption data comprises a sentence start identification code for indicating a beginning of characters presented by the caption data* (pages 25, 26, 27: whereas sentence/text data includes start code, based upon 'SLT' identifier/marker); *a caption section comprising the character data to be displayed on the display* (pages 25, 26, and 27: whereas content descriptor/caption-section is displayed on display); *and characterized containing length information of the caption data* (pages 25, 26, and 27: whereas, frame length is included with caption data).

However, Nilsson does not expressly teach *additional data includes containing a scroll type and flash information*.

Yet, Matz et al teaches caption data *containing a scroll type and flash information* (Fig 3, column 2, lines 56-67: whereas caption data includes scroll type data, and also as explained in column 3, lines 23-37: whereas flash event data/information is implemented).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Nilsson and Rio's audio and caption data, such that scroll type and flash information/data are also included, as taught by Matz et al. The combination of Nilsson, Rio, and Matz et al would have allowed Nilsson to have "parsed caption script/data" (Matz et al, column 2, lines 5-9).

Response to Arguments

14. Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive.

15. The applicant argues with respect to claim 1, about the objections to the drawings in page 9 of applicant remarks, stating that "the Examiner did not identify any specific elements in the drawing figures that require any correction". However, the Examiner respectfully disagrees; and although the Examiner has noticed drawings filed with respect to a 371 application, they need to be submitted separate from the 371 application, and are thus still missing from the application. The Examiner suggests the Applicant to resubmit drawings separate from the 371 application, such that the drawings can be of record for this particular U.S. Application 09/869799.

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16. The applicant argues in page 11 of applicant remarks that “[in Nilsson], the caption information is directed to the audio information contained in the file as a whole ... accordingly, Nilsson does not disclose dividing audio data within one MP3 file in a plurality of frame units, such that each frame unit has its own caption.

However, this argument is not persuasive, since as explained in the rejection above, and also in page 26, and 27 of Nilsson, “the text that follows the frame header ... [is such that] each syllable is a null terminated string followed by a time stamp denoting wherein the sound file it belongs”. Thus, audio data is divided based upon time, and the caption/text is synchronized to a particular time frame of audio).

17. The applicant argues (in page 12 of applicant remarks) that claims 11 and 12, that Rio can not be considered as caption information which is defined as an explanatory comment or designation accompanying audio data [and additionally] Rio does not disclose comparing caption display time data with a play time counted when the MP3 file is reproduced”.

18. However, as explained and shown in page 12 of Rio, there are numerous indicators/text on the Rio display screen which explain/comment accompanying audio data, such as the status of play mode, or the time count of a current track of audio data. Thus, the Rio LED display (explained in and shown in pages 12 and 13 of Rio) can be interpreted as showing/implementing caption information when using and/or playing an audio file. Furthermore, the applicant appears comparing the play time by *using* a display time of the caption information, or ‘comparing the play time *against* the display time’. Yet, the claim language only requires comparing the play time *with* a display time.

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In other words, it can be interpreted that the display time is part of the comparison process, and Rio teaches the display time is resulting from a comparison processes, the comparison being that the display time is checked to match the play time/time-count of a current track, such that each time the play time changes state (if /when the play time is changed/paused), the display time will also sync with the play time. In the interest of expediting the application, the examiner suggests/recommends the applicant include how or what values are used in the comparison to clearly show what is performed during the comparison process.

19. The applicant indicates (page 12 of applicant remarks) that claims 2 and 9 are allowable since their associated independent claims are allowable. However, this argument is not persuasive since the independent claims have been shown/explained to be rejected as similarly explained above.

20. The applicant argues in page 13 of applicant remarks that claims 2, 9, 11, and 12 are also allowable for similar reasons.

21. Yet, the argued limitations have been shown/explained to be rejected, as similarly explained above, and thus, the applicant's argument is not persuasive.

22. The applicant argues that claim 10 is allowable, for depending indirectly upon an allowable independent claim. However, this argument is not persuasive since the independent claim has been shown/explained to be rejected, as similarly explained above.

Conclusion

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23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILSON TSUI whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CESAR B PAULA/
Primary Examiner, Art Unit 2178

/Wilson Tsui/
Patent Examiner
Art Unit: 2178
March 09, 2009